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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/089,402 06/03/98 MURATA

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EXAMINER

WM01/1220

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NGUYEN, I

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

12/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/089,402

Applicant(s)  
Murata et al.

Examiner  
Luong Nguyen

Group Art Unit  
2612



- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-7 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. Correction is required.

See MPEP § 608.01(b).

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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5. The following title is suggested:

CAMERA APPARATUS WITH EXPOSURE CORRECTION BASED ON  
MOVEMENT OF THE OBJECT.

***Claim Rejections - 35 USC § 112***

6. Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 (lines 3-4), claim 3 (lines 3-4), claim 4 (lines 3-4), claim 5 (lines 3-4), recite the limitation "the" in "the shutter speed".

Claim 3 (line 4), claim 4 (line 4), claim 5 (line 4), recite the limitation "the" in "the diaphragm".

Claim 4 (line 4), claim 5 (line 4), recite the limitation "the" in "the gain".

Claim 5 (lines 4-5), recites the limitation "the" in "the strobo flashing".

Claim 5 (lines 4-5, 5, 9), recites the limitation "the" in "the shutter".

There is insufficient antecedent basis for the limitation in the claim.

***Claim Rejections - 35 USC § 102***

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8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kinjo (US 5,289,227).

Regarding claim 1, Kinjo discloses a method of automatically controlling taking exposure and focus of a camera, comprising an imaging device, disclosed as an image sensor 20 (figure 1, column 6, line 15); means for detecting information relating to the movement of an object, disclosed as main object detecting circuit 30 (figure 1, column 6, line 43 through column 7, line 11); exposure correction means, disclosed as taking exposure control circuit 34 (figure 1, column 7, lines 12-45).

Regarding claims 2-5, Kinjo discloses the exposure correction means corrects the shutter speed, the diaphragm, the gain and the strobo flashing (figure 1, column 7, lines 27-58).

Regarding claim 7, Kinjo discloses the information relating to the movement of the object is motion vectors respectively corresponding to a plurality of detecting areas set in an imaging area of the imaging device (figure 7, column 8, line 62 through column 9, line 64).

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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (US 5,289,227) further in view of Takahashi et al. (US 5,969,761).

Regarding claim 6, Kinjo fails to specifically disclose means for temporarily storing a plurality of image and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released. However, Takahashi et al. disclose an image sensing device in which video signals indicative of a plurality of pictures of different exposures output from the image sensing means and are stored temporarily in the image memory. This made possible to discriminate the picture elements of an appropriate exposure from those of an inappropriate one and to replace the picture elements of an inappropriate exposure with the picture elements of an appropriate one by replacing the video signal of the former with the corresponding signal of a picture taken under a satisfactory exposure (column 2, lines 5-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Kinjo by the teaching of Takahashi et al. in order to obtain an image sensing device which has the dynamic range enlarged (column 2, lines 65-67).

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*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishii et al. (US 5,053,875) disclose fluctuation stabilization image pick up device.

Yamada et al. (US 5,754,226) disclose an imaging apparatus for obtaining a high resolution image.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

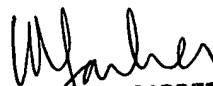
**or faxed to:**

(703) 308-6306

or: (703) 308-6296

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

LN LN  
12/16/2000

  
**WENDY R. GARBER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**